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REPRESENTATIONS, CERTIFICATIONS, AND ACKNOWLEDGEMENTS

RFP/SUBCONTRACT NUMBER: -----

ATTACHMENT NO.1

FIXED PRICE-COMMERCIAL ITEMS

(REV.NEW) (EFFECTIVE 01/01/01)

NAME AND ADDRESS OF OFFEROR:

BUISINESS CLASSIFICATION:

- ☐ Large Business
- ☐ Not for Profit
- ☐ Small Business
- ☐ Small Disadvantaged Owned
- ☐ Small Business Hub Zoned Owned
- ☐ Small Business Minority Owned
- ☐ Small Business Disabled-Veteran Owned
- ☐ Small Business Veteran Owned
- ☐ Small Business Woman Owned
- ☐ Small Business Woman-Disadvantaged Owned

NAICS /SIC CODE: _____

The North American Industry Classification System (NAICS) has replaced the U.S. Standard Industrial Classification (SIC)

POINT OF CONTACT: _____

TELEPHONE: _____

FACSIMILE: _____

The following Offeror Representations and Certifications are required as part of this submission:

PART 1 – OFFEROR REPRESENTATIONS AND CERTIFICATIONS

By signing below, the Offeror certifies, under the penalty of law, that the Representations and Certifications are accurate, current and complete. The Offeror further certifies that it will notify the Purchasing Manager of any changes to these Representations and Certifications.

Signature of Authorized Representative

Date

Type Name and Title

OFFEROR REPRESENTATIONS AND CERTIFICATIONS

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ALL OF THE FOLLOWING OFFEROR REPRESENTATIONS AND CERTIFICATIONS MUST BE COMPLETED BY THE OFFEROR

**1. FAR 52.212-3 OFFEROR REPRESENTATIONS AND CERTIFICATIONS
COMMERCIAL ITEMS (01/01/01)**

(a) Definitions. - As used in this provision:

“Emerging small business,” means a small business concern whose size is no greater than 50 percent of the numerical size standard for the standard industrial classification code designated. “Small business concern” means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and size standards in this solicitation.

“Woman – owned small business concern” means a small business concern –

(1) Which is at least 51 percent owned by one or more women or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women;

(2) Whose management and daily business operations are controlled by one or more women.

“Woman-owned business concern” means a concern which is at least 51 percent owned by one or more women; or in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and whose management and daily business operations are controlled by one or more women.

(b) Taxpayer Identification Number (TIN) (26 U.S.C. 7701). (Not applicable if the offer is required to provide this information to a central contractor registration database to be eligible for award.)

(1) All offerors must submit the information required in paragraphs (b) (3) through (b) (5) of this provision to comply with debt collection requirements of 31 U.S.C. 7701 (c) and 3325(d), reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M, and implementing regulations issued by the Internal Revenue Service (IRS).

(2) The TIN may be used by the Government to collect and report on any delinquent amounts arising out of the offeror’s relationship with the Government (31 U.S.C. 7701(c) (3). If the resulting contract is subject to the payment reporting requirements described in FAR 4.904, the TIN provided hereunder may be matched with IRS records to verify the accuracy of the offeror’s TIN.

(3) Taxpayer Identification Number (TIN).

() TIN: _____

() TIN has been applied for.

() TIN is not required because:

() Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the United States and does not have an office or place of business or a fiscal paying agent in the United States;

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- () Offeror is an agency or instrumentality of a foreign government;
- () Offeror is an agency or instrumentality of the Federal Government.

(4) Type of organization.

- () Sole proprietorship;
- () Partnership;
- () Corporate entity (non tax-exempt);
- () Corporate entity (tax-exempt);
- () Government entity (Federal, State, or local);
- () Foreign government;
- () International organization per 26 CFR 1.6049-4;
- () Other _____

(5) Common parent.

- () Offeror is not owned or controlled by a common parent;

Name and TIN of common parent;

Name _____

TIN _____

(c) Offerors must complete the following representations when the resulting contract is to be performed inside the United States, its territories or possessions, Puerto Rico, the Trust Territory of the Pacific Islands, or the District of Columbia. Check all that apply.

(1) Small business concern. The Offeror represents as part of its offer that it () is, () is not a Small business concern.

(2) Small disadvantaged business concern. The Offeror represents, for general statistical Purposes, that it () is, () is not, a small disadvantaged business concern as defined in 13 CFR 124.1002.

(3) Woman – owned small business concern. The Offeror represents that it () is, () is not a Woman-owned small business concern.

Note: Complete paragraphs (c) (4) and (c) (5) only if this solicitation is expected to exceed the simplified acquisition threshold.

(4) Woman-owned business concern. The Offeror represents that it () is, () is not, a woman-Owned business concern.

(5) Tie bid priority for labor surplus area concerns. If this is an invitation for bid, small business Offerors may identify the labor surplus areas in which costs to be incurred on account of Manufacturing or production (by Offeror or first – tier subcontractors) amount to more than 50 percent of the contract price: _____

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(6) Small Business Size for the Small Business Competitiveness Demonstration Program and For the Targeted Industry Categories under the Small Business Competitiveness Demonstration Program. (Complete only if the Offeror has represented itself to be a small business concern under the size standards for this solicitation.)

(i) (Complete only for solicitations indicated in an addendum as being set-aside for emerging small businesses in one of the four designated industry groups (DIGs).) The Offeror represents as part of its offer that it () is, () is not an emerging small business.

(ii) (Complete only for solicitations indicated in an addendum as being for one of the targeted industry categories (TICs) or four designated industry groups (DIGs).)

Offeror represents as follows:

(A) Offeror's number of employees for the past 12 months (check the.

Employees Column if size standard stated in the solicitation is expressed in terms of number of employees); or

(B) Offeror's average annual gross revenue for the last 3 fiscal years

(check the Average Annual Gross Number of Revenues column if size standard stated in the solicitation is expressed in terms of annual receipts).

(Check one of the following):

No. of Employees Avg. Annual Gross Revenues

- ☐ 50 or fewer ☐ \$1 million or less
☐ 51-100 ☐ \$1,000,001-\$2 million
☐ 101-250 ☐ \$2,000,001-\$3.5 million
☐ 251-500 ☐ \$3,500,001-\$5 million
☐ 501-750 ☐ \$5,000,001-\$10 million
☐ 751-1,000 ☐ \$10,000,001-\$17million
☐ Over 1,000 ☐ Over \$17 million

(7) (Complete only if the solicitation contains the clause at FAR 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns, and the Offeror desires a benefit based on its disadvantaged status.)

(i) General. The Offeror represents that either –

(A) It () is, () is not certified by the Small Business Administration as a Small disadvantaged business concern and is listed, on the date of this Representation, on the register of small disadvantaged business concerns Maintained by the Small Business Administration, and that no material Change in disadvantaged ownership and control has occurred since its Certification, and, where the concern is owned by one or more individuals claiming disadvantaged status, the net worth of each individual upon whom the certification is based does not exceed \$750,000 after taking into account the applicable exclusions at 13 CFR 124.104 (c) (2); or

(B) It () has, () has not submitted a completed application to the Small Business Administration or Private Certifier to be certified as a small disadvantaged Business concern in accordance with 13 CFR 124, Subpart B, and a decision on that Application is pending, and that no material change in disadvantaged ownership and control has occurred since its application was submitted.

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(ii) () Joint Ventures under the Price Evaluation Adjustment for Small Disadvantage Business Concerns. The Offeror represents, as part of its offer, that it is a joint venture that complies with the requirements in 13 CFR 124.1002(f and that the disadvantaged business concern that is participating in the joint venture. (The Offeror shall enter the name of the small disadvantaged business concern that participating in the joint venture:_____.)

(8) (Complete if the Offeror has represented itself as disadvantaged in paragraph (c) (2) or (c)

(7) of this provision.) (The Offeror shall check the category in which its ownership falls):

☐ Black American

☐ Hispanic American

☐ Native American (American Indians, Eskimos, Aleuts, or Native Hawaiians).

☐ Asian-Pacific American (persons with origins from Burma, Thailand, Malaysia Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, The Philippines, U.S. Trust Territory of the Pacific Islands (Republic Of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru).

☐ Subcontinent Asian (Asian-Indian) American (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal).

☐ Individual/concern, other than one of the preceding.

(d) Certifications and representations required to implement provisions of Executive Order 11246

(1) Certification of non-segregated facilities. (Applies only if the contract amount is expected to exceed \$10,000)—By submission of this offer, the Offeror certifies that it does not and will Not maintain or provide for its employees any facilities that are segregated on the basis of race, color, religion, or national origin because of habit, local custom, or otherwise and that it does not and will not permit its employees to perform their services at any location where segregated facilities are maintained. The Offeror agrees that a breach of this certification is a Violation of the Equal Opportunity clause in the contract.

(2) Previous contracts and compliance. The Offeror represents that ---

(i) It () has, () has not, participated in a previous contract or subcontract subject Either to the Equal Opportunity clause of this solicitation, the clause originally Contained in Section 310 of Executive Order 10925, or the clause contained in Section 201 of Executive Order 11114; and

(ii) It () has, () has not, filed all required compliance reports.

(3) Affirmative Action Compliance. The Offeror represents that –

(i) It () has developed and has on file, () has not developed and does not have on file, At each establishment, affirmative action programs required by rules and regulations of the Secretary of Labor (41 CFR Subparts 60-1 and 60-2), or

(ii) It () has not previously had contracts subject to the written affirmative action Programs requirement of the Secretary of Labor.

(e) Certification Regarding Payments to Influence Federal Transactions (31 U.S.C. 1352).

(Applies only if the contract is expected to exceed \$100,000.) By submission of its offer, the Offeror certifies to the best of its knowledge and belief that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress on his or her behalf in connection with the award of any resultant contract.

(f) Buy American Act-Trade Agreements-Balance of Payments Program Certificate.

(Applies only if FAR clause 52.2225-9, Buy American Act—Trade Agreement—Balance of Payments Program, is included in this solicitation)

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(1) the Offeror hereby certifies that each end product, except those listed in paragraph (f) (2) of this provision, is a domestic end product (as defined in the clause entitled “Buy American Act—Trade Agreements—Balance of Payments Program”) and that components of American Origin have been considered to have been mined, produced, or manufactured outside the United States, a designated country, a North American Free Trade Agreement (NAFTA) Country, or a Caribbean Basin country, as defined in section 25.401 of the Federal Acquisition Regulation.

(2) Excluded End Products:

Line item No Country of origin

(3) Offers will be evaluated by giving certain preferences to domestic end products, designated Country end products, NAFTA country ends products, and Caribbean Basin country end Products over other end products. In order to obtain these preferences in the evaluation of Each excluded end product listed in paragraph (F) (2) of this provision, offerors must identify And certify below those excluded end products that are designated or NAFTA country end products, or Caribbean Basin country end products. Products that are not identified and Certified below will not be deemed designated country end products, NAFTA country end products, or Caribbean Basin country end products. Offerors must certify by inserting the Applicable line item numbers in the following:

(i) The Offeror certifies that the following supplies qualify as “designated or NAFTA country end products” as those terms are defined in the clause entitled “Buy American Act—Trade Agreements—Balance of Payments Program”:

(Insert line item numbers)

(ii) The Offeror certifies that the following supplies qualify as “Caribbean Basin country end products” as that term is defined in the clause entitled “Buy American Act—Trade Agreements—Balance of Payments Program”:

(Insert line item numbers)

(4) Offers will be evaluated in accordance with FAR Part 25.

(g) Buy American Act-North American Free Trade Agreement Implementation Act—Balance of Payments Program.

(Applies only if FAR clause 52.225 -21, Buy American Act-North American Free Trade Agreement Implementation Act—Balance of Payments Program, is included in this solicitation.)

(i) The Offeror certifies that each end product being offered, except those listed in Paragraph (g) (1) (ii) of this provision, is a domestic end product (as defined in the Clause entitled “Buy American Act—North American Free Trade Agreement

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(ii) Implementation Act—Balance of Payments Program,” and that components of Unknown origin have been considered to have been mined, produced, or Manufactured outside the United States.

(iii) Excluded End Products:

Line item No. Country of origin

(iv) Offers will be evaluated by giving certain preferences to domestic end products or Canadian end products over other end products. In order to obtain these preferences in Evaluation of each excluded end product listed in paragraph (b) of this provision, offerors Must identify and certify below those excluded end products that Are Canadian end products. Products that are not identified and certified below will Not be deemed Canadian end products. The Offeror certifies that the following supplies Qualify as “Canadian end products” as that term is defined in the clause entitled “Buy American Act—North American Free Trade Agreement Implementation Act—Balance Program”:

(Insert line item numbers)

(v) Offers will be evaluated in accordance with Part 25 of the Federal Acquisition Regulation. In addition, if this solicitation is for supplies for use outside the United States, an evaluation factor of 50 percent will be applied to offers of end products that Are not domestic or NAFTA country end products.

(h) Certification Regarding Debarment, Suspension or Ineligibility for Award (Executive Order 12549).

The Offeror certifies, to the best of its knowledge and belief, that –

(1) The Offeror and/or any of its principals () are, () are not presently debarred, suspended, Proposed for debarment, or declared ineligible for the award of contracts by any Federal Agency, and

(2) () Have, () have not, within a three – year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal state or local government contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers or commission of embezzlement, theft, forger, briber, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property: And () are, () are not presently indicted for, or otherwise criminally or civilly charged by a Government entity with, commission of any of these offenses.